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JOHN W. HAYES
Dykema Gossett Rooks Pitts PLLC
10 South Wacker Drive
Suite 2300
Chicago IL 60006

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Bartholomew James Cunningham, et al.
Application No. 10/066,016
Filed: January 31, 2002
Attorney Docket No. 6544-1006

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This is a decision on the petition under 37 CFR 1.137(b), filed on July 6, 2004, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed September 25, 2003, which set a shortened statutory period for reply of one(1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 26, 2003.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (703)308-5111.

The application file is being forwarded to Technology Center 3600, Art Unit 3679.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy